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3624

PATENT  
Customer No. 22,852  
Attorney Docket No. 05997.0019-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Ross H. CORNELL ) ATTN: Office of Petitions  
)  
Serial No.: 09/664,403 ) Group Art Unit: 2161  
)  
Filed: September 18, 2000 ) Examiner: Dr. Geoffrey Akers  
)  
For: DATA PROCESSING SYSTEMS )  
AND METHOD FOR CREATING )  
EFFICIENT FLOATER CLASSES )

Commissioner for Patents  
Mail Stop Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW AN ERRONEOUS  
HOLDING OF ABANDONMENT**

Applicant received a Notice of Abandonment dated July 9, 2003, indicating that this case was abandoned for failure to timely file a response to the Office Action dated December 12, 2002, which set a 3-month period for response. The alleged abandonment date is June 13, 2003. Applicant respectfully submits that this abandonment is in error.

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## **I. Case History**

Applicant filed this application on September 18, 2000, in the U.S. Patent and Trademark Office (PTO).

Applicant responded to the Office Action dated December 12, 2002 via United States Mail on April 14, 2003. Applicant utilized a Certificate of Mailing under 37 C.F.R. § 1.8 and 1-month extension of time available under 37 C.F.R. § 1.136(a). The 1-month extension due date of April 12, 2003, was a Saturday, so Applicant's filing on April 14, 2003, was timely.

## **II. Facts Showing Receipt of Response**

Applicant encloses a copy of the response dated April 14, 2003 and the stamped PTO Post Card showing receipt by the PTO on April 21, 2003.

Accordingly, under the provisions of 37 C.F.R. § 1.181, Applicant requests reinstatement of application Serial No. 09/664,403.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

FINNEGAN  
HENDERSON  
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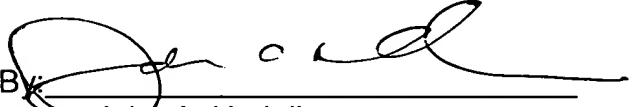
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Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 22, 2003

By   
John A. Hudalla  
Reg. No. 48,445

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